preclude land-owners from shooting or taking any other measures they like in their own estates for the protection of life and property. With these remarks I beg to ask the Council to proceed with the Bill."

Mr. Muthunayagom Pillay said :—" I have but a few general observations to make with regard to this Bill; and in making these I must confess that I do not feel at all competent to speak with any amount of confidence on the subject owing to my very limited knowledge of the needs of the hills of Travancore.

" From the point of view of a man of the low-country, I venture to think that a *general* measure of the kind now proposed is hardly called for in the present condition of Travancore. The law to be passed should apply to some definite parts of the hill-country alone, and that too I would like to be as limited as is absolutely necessary.

" It strikes me that no sufficient reasons have been shown for resorting to legislation with regard to the protection of Fish.

" The only other point that I wish to touch upon at present is as to the desirability of the introduction of the system of gun-licenses. It is a system that is wholly unknown to Travancore and I am of opinion that it would work a serious hardship in the case of the poor and ignorant ryots who live in and near the hills."

Mr. Thanu Pillay said :—" With regard to the Bill before us I do not really see where the line is to be drawn between 'the principle' of the Bill and its details. Probably the observations I am going to make relate to details alone. First of all, as to the extent of the Regulation, I have some doubts. As the Bill now stands, it is intended at the outset to be applied only to a particular and, I should think, fairly circumscribed area; but there is a permissive provision under which its operation may be extended to any and every part of the country. I doubt whether such a general law is at all necessary. Probably, as Mr. Bensley has explained, the necessity for a protective measure of the kind has arisen with regard to the hills. But I doubt the expediency of our going beyond the actual necessity. On the general scope of the Bill too, I am not without doubts. That some means should be devised for the protection of Game on the hills I grant, but whether the measure should embrace a system of licenses and the other restrictions contemplated in the Bill, I am not satisfied. If these are only details I have nothing more to say at present. But I do hold that these points require serious consideration. I may also mention that I have looked into the British enactment on the subject and I find that the provisions there are much more limited in their extent and scope. From the discussions on the Bill which became Madras Act II of 1879, I see that the original proposal was to make the measure more comprehensive but it was afterwards whittled down to its present form as quite sufficient to meet actual requirements. These discussions suggest many points of importance but I do not wish to trouble the Council with them at this stage."

After some further discussion, the principle of the Bill was accepted and Mr. Bensley moved that the Bill be referred to a Select Committee consisting of Messrs Thanu Pillay, Muthunayagom Pillay and the mover.

Mr. Krishnaswamy Rao seconded the motion.

Carried.

THE BILL FOR THE PROTECTION OF JUDICIAL OFFICERS.

Mr. Muthunayagom Pillay in explaining the principle of the Bill read out the 'Objects and Reasons' and continued :—

" I ask permission to place the Bill before the Council with certain amendments. When this Bill was first brought in, the Departmental Enquiries Bill had not been finally dealt with. Certain changes have now become necessary in view of the amendments made in the wording of that Bill.

" Section 2, I would recast thus, adding an explanation :—' No Judge, Magistrate, Justice of the Peace, or other officer acting judicially, shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty whether or not within the limits of his jurisdiction : provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of ; and no officer of any court or other person bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace or other officer acting judicially, shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

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Explanation.—An officer holding a formal enquiry under the Departmental Enquiries Regulation (Regulation No.—of 1071) shall' be deemed to be a person "acting judicially", within the meaning of this section.'

"This I consider a decided improvement on the wording as it stands. It brings out the scope of the Bill more clearly. The word 'official' can now be dropped and replaced by 'judicial'. The former is rather vague. Every act done in the discharge of official duty need not necessarily be a judicial act. In the British Regulation the word used is 'Judicial'. It is more precise.

"Now that we are introducing a general measure, I should also like to bring within the 'Explanation' Enquiries under the Vakils' Regulation in regard to which too the protection contemplated is highly necessary. The words 'or an enquiry under the Vakils' Regulation' will have to be inserted in the Explanation, between the words 'Regulation No. of 1071' and 'shall.' I need not dwell further on these points as I am sure the principle of the Bill will commend itself to the Council."

A debate ensued in the course of which the President observed:—"There are two important points to be noted. In the first place it has to be placed beyond doubt that the 'acts' intended to be protected are exclusively judicial. I am not sure whether the 'Explanation' as now put forward is sufficiently restrictive in this respect in the case of officers other than those whose functions are plainly judicial. That the particular act is 'judicial' is of the essence of the principle of the protection sought to be accorded. *Secondly.* By specially mentioning acts under certain Regulations only there is, I am afraid, the risk of an impression that official acts under other laws (which may be entitled to protection none the less) are impliedly excluded. These points deserve careful consideration."

Mr. Rama Vurma:—"I am for extending the protection to all official acts done under the authority of any law in force. These are acts which the officers concerned are bound to do whether they will or no. They are not, in fact, free agents so far."

Mr. K. Krishnaswamy Rao observed:—"On a careful consideration, I think that it is *unnecessary* to specify in section 2 the enquiries into the conduct of Vakils under the law relating to Vakils. The words "acting judicially" in the section are sufficient to cover such enquiries, they being judicial proceedings. (Kotha Subbo Chetti *Vs.* Reg. 6 Madras 252)"

Mr. Muthunayagom Pillay:—"By the light of the observations which have just been made it strikes me that the best and safest course is to confine ourselves to the provisions of the British Act, reserving those proposed with reference to special regulations for incorporation in such regulations themselves in due course. In this view I beg leave to present the Bill with section 2 recast as follows:—

No Judge, Magistrate, Dewan Peishkar or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court, or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Dewan Peishkar or other person acting judicially, shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same."

The motion was put and agreed to. The principle of the Bill having then been accepted, Mr. Muthunayagom Pillay moved that the Council proceed to consider the Bill at once as it was hardly necessary to refer it to a Select Committee.

The motion was put and agreed to.

It was then resolved that the Bill be read again on a future day of which previous notice shall be given.

SHUNGRASOOBYER,
President.

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